

REMARKS

Applicant respectfully requests allowance of the subject application in view of the following remarks and the appended Section 132 affidavit.

Claims 1-37 are pending in the application, with claims 1, 11, 21, 31 and 35 being independent. No claims are amended or canceled.

Claim Rejections under §102(a)

Claims 1-3, 5-13, 15-23, 25-33 and 35 are rejected under 35 U.S.C §102(a) as being anticipated by the published document “Web Services Addressing (WS-Addressing) published on March 13, 2003 and authored by Bosworth et al. (Bosworth).

Applicant’s representatives have executed a Section 132 affidavit stating that the claimed subject matter disclosed in Bosworth was conceived and invented by the inventors of this application. It is noteworthy that five of the inventors listed on this application are authors of the Bosworth publication. Section 715.01(c).I. of the MPEP states that “an affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C. §102(a) *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).”

The Section 132 affidavit was not executed and submitted earlier due to the difficulty in locating and obtaining the signatures of two of the inventors.

Despite our best efforts, it took time initially to locate the inventors and then

to obtain the signature of one of the inventors. One inventor, Luis Felipe Cabrera, was located in October 2008 and his signature was obtained on October 29, 2008. A second inventor, Geary Eppley, was located in October 2008, but despite repeated e-mails and phone calls that continued from October 28, 2008 until January 20, 2009, his signature was not obtained until January 20, 2009. Per 37 C.F.R. 1.116(e), the declaration should be considered after final.

Accordingly, Bosworth does not qualify as prior art against the subject application. In other words, per 35 U.S.C. §102(a), the invention was “not” known or used by others in this country and the rejections under §102(a) are obviated by the declaration. In this case, Bosworth does not qualify as art at least because the authors of Bosworth are the same as the inventors of the subject application for the pertinent portions of Bosworth. Accordingly, Bosworth was not “by others” as required by the pertinent portions of §102(a). Thus, Bosworth does not qualify as prior art against the subject application. Therefore, claims 1-3, 5-13, 15-23, 25-33 and 35 now stand allowable and the rejections under § 102(a) should be withdrawn.

Claim Rejections under §103(a)

Claims 4, 14, 24, 34, 36 and 37 are rejected under 35 U.S.C. §103(a) as being obvious over Bosworth in view of the published document “Web Services

Coordination (WS-Coordination)” published September 2003 and authored by Cabrera et al. (Cabrera).

Claims 4, 14, 24, 34, 36 and 37 are all dependent claims. As stated above, Bosworth is now removed as prior art and, therefore, independent claims 1, 11, 21, 31 and 35 are allowable.

Dependent claim 4 depends from independent claim 1 and is allowable by virtue of its dependency from allowable claim 1, as well as for the additional features that each recites.

Dependent claim 14 depends from independent claim 11 and is allowable by virtue of its dependency from allowable claim 11, as well as for the additional features that each recites.

Dependent claim 24 depends from independent claim 21 and is allowable by virtue of its dependency from allowable claim 21, as well as for the additional features that each recites.

Dependent claim 34 depends from independent claim 31 and is allowable by virtue of its dependency from allowable claim 31, as well as for the additional features that each recites.

Dependent claims 36 and 37 depend from independent claim 35 and are allowable by virtue of their dependency from allowable claim 35, as well as for the additional features that each recites.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, **Applicant respectfully requests a call to discuss any remaining issues.**

Respectfully Submitted,

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